



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/691,442

10/23/2003

Scott Hanggie

306778.01/MFCP.139600

8090

45809

7590

12/17/2008

SHOOK, HARDY & BACON L.L.P.  
(c/o MICROSOFT CORPORATION)  
INTELLECTUAL PROPERTY DEPARTMENT  
2555 GRAND BOULEVARD  
KANSAS CITY, MO 64108-2613

EXAMINER

CASCHERA, ANTONIO A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

12/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,442	<b>Applicant(s)</b> HANGGIE ET AL.	
	<b>Examiner</b> Antonio A. Caschera	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11,13,15-22,24-30 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-11,13 and 15-20 is/are allowed.
- 6) ☒ Claim(s) 21,22,24-30 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/03/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract comprises the phrase, "...on a computer using a composited desktop model operating system are disclosed," (see lines 1-2 of the abstract) which can be implied and therefore must be corrected.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 21, 22 and 24-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim(s) 21, 22 and 24-30 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. The instant claims neither transform underlying

Art Unit: 2628

subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. In particular, at least the "receiving" step of the claims is not tied to another statutory category.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Washington et al. (U.S. Patent 5,870,088).

In reference to claim 37, Washington et al. discloses a data processing system (see Figure 25 and column 5, lines 1-30 wherein Washington et al. discloses a computer system that processes graphical data for the user editing of GUI objects.) comprising:

a memory storing window properties comprising, for a plurality of windows for which properties are stored, properties for a base object and properties for one or more primary content objects (see column 1, lines 19-21, columns 1-2, lines 24-31, column 5, lines 1-21, column 6, lines 1-13 and Figures 1, 5, 14 and 25 wherein Washington et al. discloses computer software for implementing the method of editing or even creating controls via a direct graphical user interaction. Washington et al. discloses graphical controls or objects being manipulated on screen by a user so that the objects' properties are modified and stored in memory. Washington et al. further discloses the graphical user interaction via a GUI which comprises a container

Art Unit: 2628

including properties for the container, where objects are dropped thereon. Note, the Examiner interprets the container and controls/objects of Washington et al. equivalent to applicant's base object and primary content objects respectively. Further, Washington et al. discloses a frame of the window GUI comprising properties for both the container and objects/controls of the container based upon which is currently selected (see Figures 1 and 14).);

a compositing desktop window manager software module that composes a desktop based on the window properties of each window for which properties are stored, wherein for one of the plurality of windows for which properties are stored, the memory stores a plurality of primary content objects, and wherein each primary content object defines the size and shape of a data field of the window (see column 5, lines 1-30, Figures 7, 9 and 12-14 wherein Washington et al. discloses the computer system rendering a GUI including objects and their set properties embedded in a form of the GUI according to computer software stored in a memory and executed by a CPU. Further, as can be seen from at least Figures 1 and 14, the container or "Form" properties can be seen on the right hand side while in Figure 14, a selected object/control of the container can be seen with its properties shown in new window. Further, Figure 12 of Washington et al. clearly shows that there maybe multiple or a plurality of objects located on the form/container. Lastly, Washington et al. further explicitly discloses properties of the objects to include shape and size parameters (see column 2, lines 5-32 and Figures 9 and 14 "height" "width" properties of the object which in this case is a slide control which the Examiner interprets as inherently representing a "data field" position/size.).

### ***Response to Arguments***

4. The cancellation of claims 2, 4, 12, 14, 23, 35 and 36 is noted.

Art Unit: 2628

5. Applicant's arguments, see page 10 of Applicant's Remarks, filed 09/04/08, with respect to the objection of claims 1-10 have been fully considered and are persuasive. The objection of claims 1-10 has been withdrawn since previous informalities have been corrected for.

6. Applicant's arguments, see page 10 of Applicant's Remarks, filed 09/04/08, with respect to the 35 USC 103(a) rejection of claims 1, 3, 5-11, 13, 15-22 and 24-30 have been fully considered and are persuasive. The 35 USC 103(a) rejection of these claims has been withdrawn. A further prior art search has been conducted and new further applicable prior art has been found.

7. Applicant's arguments filed 09/04/08 have been fully considered but they are not persuasive.

In reference to claim objection to the specification, the abstract, Applicant's have made amendments to the abstract however the previous issue still remains, in that the phrase, "are disclosed" still remains. Therefore the objection of the specification is maintained.

Further, in reference to claim 37, the Examiner has reviewed the amendments to the claim and further reviewed Washington et al. and has determined that the invention of Washington et al. is still applicable to even the amended claim 37 and therefore an interpretation/prior art rejection of claim 37 is made herein.

***Allowable Subject Matter***

8. Claims 1, 3, 5-11, 13 and 15-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2628

In reference to claim 1, the prior art of record does not explicitly disclose a computer readable medium having computer executable instructions embodied therefor for storing a data structure defining a window for drawing on a desktop displayed on a display device, the window comprising a first data field storing base content object properties for a base content, the field subdivided into a portion storing properties comprising base geometry and another portion to store properties comprising a plurality of vertices defining a mesh, in combination with the further limitations of claim 1.

In reference to claims 3 and 5-10, these claims depend upon allowable claim 1 and are therefore also deemed allowable.

In reference to claim 11, the prior art of record does not explicitly disclose a processing system having a memory storing window properties defining a window, the memory storing base content object properties and one or more primary content objects, storing properties comprising base geometry, the base geometry property comprising a plurality of vertices defining a mesh, in combination with the further limitations of claim 11.

In reference to claims 13 and 15-20, these claims depend upon allowable claim 11 and are therefore also deemed allowable.

### ***References Cited***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Migdal et al. (U.S. Patent 6,208,347)

Art Unit: 2628

- i. Migdal et al. discloses a system and method for modeling 3D objects and 2D images by wireframe construction.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

### **or faxed to:**

**571-273-8300 (Central Fax)**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.



Application/Control Number: 10/691,442

Page 8

Art Unit: 2628

/Antonio A Caschera/

Examiner, Art Unit 2628

**12/17/08**